

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PAUL MULA,

Plaintiff,

v.

HELENE MULA-STOUKY, et al.,

Defendants.

Case No. 21-cv-04540-BLF

**ORDER GRANTING DEFENDANT
TERRY CAMPBELL WALLACE'S
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT WITH
LEAVE TO AMEND; AND VACATING
MOTION HEARING**

[Re: ECF 63]

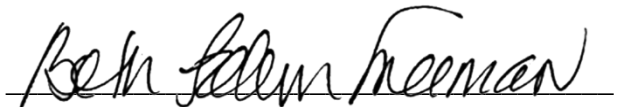
This order addresses a motion to dismiss the first amended complaint ("FAC") brought by Defendant Terry Campbell Wallace ("Campbell"). The hearing on the motion is VACATED.

The FAC asserts three claims against Campbell: violation of RICO (Claim 1), aiding and abetting breach of fiduciary duties (Claim 5), and conspiracy to breach fiduciary duties (Claim 6). The Court previously dismissed those claims as to Defendant Kristofer Biorn, noting that the FAC's sparse allegations regarding Biorn's 2012 representation of Plaintiff did not link Biorn to a RICO conspiracy or breach of fiduciary duties. The FAC's similarly sparse allegations regarding Campbell's 2006 filing of a Probate Court petition do not link her to a RICO conspiracy or breach of fiduciary duties. *See* FAC ¶¶ 8.9, 24. For the same reasons Biorn's motion was granted, Campbell's motion is GRANTED WITH LEAVE TO AMEND as to Claims 1, 5, and 6.

The Court will address Campbell's additional arguments when ruling on the Stouky Defendants' motion to dismiss, and Plaintiff's deadline to amend is thirty days after that ruling.

IT IS SO ORDERED.

Dated: April 25, 2022


BETH LABSON FREEMAN
United States District Judge